

NEW SECTION.    **Section 1.   Sexual offender treatment.**

(1) Upon sentencing a person convicted of a sexual offense, as defined in 46-23-502, the court shall designate the offender as a level 1, 2, or 3 offender pursuant to 46-23-509.

(2) The court shall order an offender convicted of a sexual offense, as defined in 46-23-502, except an offense under 45-5-301 through 45-5-303, and sentenced to imprisonment in a state prison to:

(a) enroll in and successfully complete the educational phase of the prison's sexual offender program; and

(b) if the person has been or will be designated as a level 3 offender pursuant to 46-23-509 or is a sexually violent predator as defined in 46-23-502, enroll in and successfully complete the cognitive and behavioral phase of the prison's sexual offender program.

(3) A person who has been ordered to enroll in and successfully complete a phase of a state prison's sex offender program is not eligible for parole unless that phase of the program has been successfully completed as certified by a sexual offender evaluator to the board of pardons and parole.

(4) (a) Except for an offender sentenced pursuant to 45-5-503(4) or 45-5-625(?), during an offender's term of

commitment to the department of corrections or a state prison, the department may place the person in a residential sex offender treatment program approved by the department under 53-1-203.

(b) If the person successfully completes a residential sex offender treatment program approved by the department of corrections, the remainder of the term must be served on probation unless the department petitions the sentencing court to amend the original sentencing judgment.

~~(5) In sentencing a person pursuant to subsection (4), the court shall,~~ If a person's sentence is suspended pursuant to subsection (4) (b) the following conditions will apply to the suspended sentence: as condition of probation or parole, order that the person-

(a) abide by the standard conditions of probation established by the department of corrections;

(b) pay the costs of imprisonment, probation, and any sex offender treatment if the person is financially able to pay those costs;

(c) have no contact with the victim or the victim's immediate family unless approved by the victim or the victim's parent or guardian, the person's therapists, and the person's probation officer;

(d) comply with all requirements and conditions of sex offender treatment as directed by the person's sex offender therapist;

(e) not enter an establishment where alcoholic

beverages are sold for consumption on the premises or where gambling takes place;

(f) not consume alcoholic beverages;

(g) enter and remain in an aftercare program as directed by the person's probation officer;

(h) submit to random or routine drug and alcohol testing; and

(i) not possess pornographic material or access pornography through the internet

(j) at the discretion of the probation and parole officer, electronic monitoring or continuous satellite monitoring (GPS).

(6) The sentencing of a sexual offender is subject to 46-18-219.

(7) The sentencing court may, upon petition by the department of corrections, modify a sentence of a sexual offender to impose a part of a sentence that was previously suspended.